

VIRGINIA ARGUS.

[XIVth YEAR.]

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[No. 1278.]

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SATURDAY, JULY 19, 1806.

[12 1-2 Cent Single.]

Buckingham County, May term, 1806.

William Brown and Company,

Complainants.
Against
Elisha Rakes and Jacob L. Abrahams,
Defendants

ON the motion of the complainants by their counsel, and it appearing to the satisfaction of the court that the defendant Elisha Rakes hath removed himself without the jurisdiction of this court, to parts unknown, It is ordered and decreed, that unless the said defendant Rakes, shall appear here on or before August term next and answer the bill of the complainants, that the court will then proceed to decree the matter according to the prayer of the said bill; and that a copy of this order be forthwith published in some public newspaper of the city of Richmond for two months successively, and another copy be posted up at the front door of the courthouse of this county.

A Copy—Teste,
Rofe Eldridge, jr. D. C.

In Henrico County Court.

Between
Elisha Liggan, Complainant.

And
Robert Robinson and Polly his wife, who was Polly Liggan, widow of Samuel Liggan, dec. Henry Liggan, an infant child of the said decedent, and Robert Franklin and Mary Franklin, Willis Liggan, and Sherwood Liggan, Defendants.

THE defendants Willis and Sherwood Liggan not having entered their appearance and given security according to the act of assembly in such case made and provided, and the rules of this court, and it appearing to the satisfaction of the court that they are not inhabitants of this commonwealth: on the motion of the complainant by his counsel, It is ordered, that the said defendants do appear here on the first Monday in September next and answer the bill of the complainant, and that a copy of this order be forthwith inserted in some one of the newspapers published in the city of Richmond for two months successively, and posted at the courthouse door on two successive court days.

Teste,
Geo. Chisman, D. C.

VIRGINIA:

At a Quarterly Court continued and held for Pittsylvania County, the 21st day of May, 1806.

Anthony Holloway and Anne his wife, John Yeaman and Mary his wife, & Henry Pell and Sarah his wife, Plaintiffs.

Against
Elisha L. Williams and Presley Williams, Defendants.

THE defendants not having entered their appearance and given security according to the act of assembly and the rules of this court, and it appearing to the satisfaction of the court that they are not inhabitants of this state: on the motion of the plaintiffs by their counsel, It is ordered, that the said defendants do appear here on the third Monday in August next and answer the plaintiff's bill; and that a copy of this order be forthwith inserted in some newspaper published in this state for eight weeks successively, and posted up at the front door of the courthouse on some court day.

A copy—Teste,
Will Tunstall, C. P. C.

VIRGINIA:

In the Superior Court of Chancery, holden at the Capitol, in Richmond, the 25th March, 1806.

Between
John Pierce, surviving trustee of Samuel Beall, deceased, Plaintiff.

And
William Moseley, Defendant.

THE defendant not having entered his appearance and given security according to the act of assembly and the rules of this court, and it appearing to the satisfaction of the court that he is not an inhabitant of this country: on the motion of the plaintiff by counsel, It is ordered, that the said defendant do appear here on the first day of the next September term and answer the bill of the plaintiff, and that a copy of this order be forthwith inserted in some newspaper published in the city of Richmond for two months successively, and posted at the front door of the Capitol in the said city.

A Copy—Teste,
Peter Tinsley, C. C.

At a court continued and held for Albemarle county, the 3d June, 1806.

Samuel Shelton & Company, Plaintiffs.

Against
John Martin and Walter Leake, Defendants.

THIS day came the plaintiffs aforesaid by their counsel, and the defendant John Martin, not having entered his appearance and given security according to the act of assembly and the rules of this court, and it appearing to the satisfaction of the court that he is not an inhabitant of this state: on the motion of the plaintiffs by their counsel, It is ordered and decreed, by the court, that the defendant John Martin do appear here on the first day of the next term, and answer the bill of the plaintiff, and that a copy of this order be forthwith published in some public newspaper published in the city of Richmond for two months successively, and that another copy be posted at the front door of the courthouse of this county.

A Copy—Teste,
Alex. Garrett, D. C. A. C.

"LETTERS

ON THE
IMPROVEMENT OF THE MIND;
ADDRESSED TO A LADY.
BY MRS. CHAPONE."

A few copies of the above valuable work are just received and for sale at S. Pleasants' Book Store.

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PROPOSALS,

FOR PUBLISHING BY SUBSCRIPTION.

REPORTS OF CASES

ARGUED & DETERMINED IN THE

SUPREME COURT OF APPEALS

OF VIRGINIA;

WITH SELECT CASES,

RELATING CHIEFLY TO POINTS OF PRACTICE

SETTLED BY THE LATE

HIGH COURT OF CHANCERY, & PRE-

SENT SUPERIOR COURT OF CHAN-

CERY FOR THE RICHMOND

DISTRICT.

By WILLIAM W. HENING, & WILLIAM

MUNFORD.

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Appeals, shall be published as soon after the

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TO THE PUBLIC.

IMPRESSED with the import-

ance and necessity of an early publication

of the decisions of those Courts, whose opinions

become the law of the land; being convinced

that the speedy and general circulation of correct

reports of those decisions, is not less requisite to

a knowledge of the law than that of the acts of

each session of the legislature; having often our-

selves felt and observed the inconveniences arising

from the want of information of this nature; and,

in consequence of our situation, being en-

abled diligently to attend the Court of Appeals

and Superior Court of Chancery at this place,

and to furnish reports of the most important

of their proceedings with as little delay as

possible; we have determined to undertake the

work which we now offer to the patronage of the

public. Indeed, we flatter ourselves that the utility

of a work of this description, must be apparent

to every Judge and magistrate, as well as to

every member of the bar. At present, the deci-

sions of the Court of Appeals are unknown, ex-

cept to the few who are immediately conversant

with them; until several years have elapsed from

the time when they were rendered. How often,

therefore, have the inferior courts been com-

pelled to listen to mere oral and inaccurate reports

of cases said to have been determined by the

Court of Appeals? How often have they decid-

ed points of law in direct opposition to doct-

trines already settled by the Superior Courts, but

of which no report had been published? thus sub-

jecting the parties to the expense and delay of

additional litigation, and to the injury arising

from the reversal of a judgment or decree, all of

which might otherwise have been avoided? The

disadvantages, to which the practitioners of law

in the country are subjected, in giving advice

to their clients without possessing an opportunity

of knowing the decisions by which that advice

ought to be governed, are truly great, and, no

doubt, are universally felt and acknowledged.

With respect to the rules of practice in Chancery

suits, a knowledge of the method of proceeding

in the Superior Courts of Chancery, is essentially

necessary to the County and Corporation Courts;

the law having expressly declared that those

Courts shall in Chancery cases conform to the

FROM THE NATIONAL INTELLIGENCER

THE federal prints have for some time
termed with reproaches against the ad-
ministration on a topic well fitted to ex-
cite the national sensibility. The wrongs
and insults of foreign nations, who, in the
plenitude of their power, lawlessly tram-
ple on our commercial rights, have ever
been a fruitful source of indignation. So
long as these feelings were directed to the
perpetrators of the crimes, or to those
who directly or indirectly countenanced
them, they may be considered bene-
ficial. It is the desire no less than the
interest of the American people to re-
main at peace with the whole world;
but when outrages are offered to their
undisputed rights, when their honor is
wounded, and their property pillaged by
the licensed free-booters of the ocean, it
would betray a dangerous insensibility, a
fatal lethargy, not boldly to avow the
sentiments they entertain of those who
injure them. Such a manly expression
of their feelings serves to keep the pub-
lic mind in a state of excitement and vi-
gilance, which would enable us with less
difficulty and more effect to resort to
measures of a hostile complexion when-
ever accumulated wrongs shall leave us
no other alternative; and by manifest-
ing this state of readiness for the worst
events, powerfully tends to avert the
necessity of such a resort. It arms,
likewise the government with the means
of urging with greater effect its demands
for redress and reparation.

But when the spirit, instead of being
justly directed against our enemies, is
through the prejudices of party feeling
or personal malevolence, unjustly turned
on those who administer the national
concerns, it cannot be too severely re-
probated. It may be, in a degree, ve-
nial, for the different parties that subsist
among us to carry their political feuds to
considerable lengths, and in the ardent
wish to prostrate their adversaries, to
consider the ends they pursue as justify-
ing the use of equivocal means calcu-
lated to effect them. But even such con-
duct is disclaimed by morality; however
its turpitude may be mitigated by the
feelings almost inseparable from party.
But when any man, or set of men, through
motives purely personal, can contemplate
the rights of their fellow citizens trampled
upon, and the national character wounded by
the base outrages of foreign power, and
at the very moment they know that their
government is engaged in pursuing the
best means according to its belief, in its
power, for obtaining redress, raise a loud-
er clamor against it than against those
who injure and insult us, our minds are
naturally lost in astonishment at the ex-
treme depravity to which misdirected
passions lead those whose highest boast
is the gifts of reason with which they
are endowed.

How can redress be obtained but
through the exertions of the government
supported by public opinion? What then
shall we say of those, whose systematic
exertions are enlisted, not on the side of
their own government, but virtually on
that of the government whose wrongs are
the subjects of our complaint? In a per-
iod of war, it is treason to aid an enemy.
Is the crime of a lighter hue, whose direct
tendency it is to translate a peaceful na-
tion into a state of war; but every man of
common sense will see that wrongs un-
dressed naturally, necessarily lead to this
result. It might not comport with the
language of decorum to stile those men
traitors, who pursue this course of conduct,
but the eye of justice can scarcely con-
template them in any other light.

Let not these remarks be mis-under-
stood. They are not intended to incul-
cate the duty of an unqualified approba-
tion of the measures of the government
with respect to our foreign relations, or
of an abstinence from laying before the
public a full exposure of facts, and go-
ing into a free discussion of the correct-
ness of the measures pursued. This, so
far from being pernicious, will, in a
government like ours, be invariably at-
tended with the happiest effects. Those
who administer the government, aware
that the scrutinizing eye of party is upon
them, ready to expose their omissions
and errors, will be incited to a faithful
and vigilant discharge of duty; and, on
many occasions, useful hints will be sug-
gested, and important information thus
laid before them, which they would not
otherwise possess. But such a course of
conduct is as different, as daylight from
darkness, from that of which we com-
plain. The one consists in statements
founded in truth, in representations found-
ed on facts, in discussions, untinted by
personal rancor, low ribaldry, and party
malevolence. The other in the effusions
of all these grovelling passions, in the li-
beral use of language beneath the dignity
of a gentleman, in the ascription of the
basest motives, in an habitual disregard of
truth, and in studied attempts to degrade

the government in the estimation of the
foreign world. The calumniator artfully
calculates on producing a qualified belief
of his slanders at a distance, however des-
picable they may appear here. What
should we say of the passenger on board
of a ship, who during the rage of a storm,
should, from personal animosity, throw
the captain overboard, and expose the
whole crew, composed for the greater
part of helpless women and children, to
the ungodly fury of the elements? Would
not our charity lead us at first
thought to pronounce him a madman or a
fool; and if compelled by a more deli-
berate examination to disrobe him of this
mantle, would not our feelings of abhor-
rence for such a monster in depravity rise
to the highest pitch? And yet this case
is, as far as it goes, perfectly analogous to
that under consideration; while the latter
in aggravation transcends the former,
as much as the interests of millions ex-
ceeds that of a small number of individ-
uals.

These remarks are applicable generally
to the whole circle of our foreign rela-
tions. No means are used for preserving
or restoring friendship with foreign pow-
ers—that are not vehemently denounced.
No man, however distinguished for his ta-
lents, or revered for his virtues, is ap-
pointed to a foreign embassy, without be-
coming the victim of federal calumny.
No pending negotiation which is not
grossly misrepresented; no object effec-
ted, that is not condemned. Were we to
credit what we daily read in the public
prints, we should be led to think that the
public agents, from the President down
to the lowest organ of power, were among
the most wicked and weak members of
the community.

In the further remarks we shall offer,
it is not, however, our purpose to go
more into detail, except on a single point.
The insolence of foreign power has late-
ly been exhibited in acts unusually fla-
grant. British ships of war have fired on
and captured our vessels, murdered one
of our citizens, menaced our towns, and
impressed our seamen. Riding in proud
triumph before our most important com-
mercial depots, they have blocked up our
trade, and bid a lawless defiance to every
principle of justice and humanity. Why
is not the naval force of the nation called
forth to avenge these wrongs, to chastise
those that commit them? This is the
cry of federalism from one end of the
continent to the other. It is in vain that
we are told that the legislature of the uni-
on has not placed at the disposition of the
government such a force; the legislature
is declared to be the humble tool of the
Executive, & the want of such a force is re-
presented as the sin of the Executive.

This is the topic which we ask the
attention of the public.

Is it then true that the omission to pro-
vide what is deemed an adequate naval
force is to be laid to the door of the Exe-
cutive? Federalism may, with some plau-
sibility, urge this charge; but republicans
cannot give ear to it without forfeiting
their respect for the Executive members
of their government. That the disciples
of John Adams, who made the British
system his study and model, should con-
sider the President of the United States
as the source of all power is extremely
natural; but it would be a libel on the
 creed professed by the friends of Thomas
Jefferson, who has made republican prin-
ciples his study and guide, for a moment
to consider the question whether we shall
have a navy, and how large that navy
shall be, as under his control and sub-
ject to his will. This is altogether a le-
gislative question; a question that is de-
pendent exclusively on the Congress of
the United States. The president may
recommend the establishment or increase
of a navy; but it rests alone with Con-
gress to decide whether such establish-
ment shall be made—the number of ves-
sels that shall be built, and the sum of
money which shall be applied to their sup-
port. Such is the theory of the government;
and such ought to be its practice. Such
is in truth its practice. If there ever
was a man, clothed with high and com-
manding powers, giving him a vast influ-
ence over public opinion, and by means
of it, on the councils of the country, who
has made it religiously a part of his duty
not to step over the lines assigned him by
the constitution and the laws, that man
is Thomas Jefferson. It may be confi-
dently affirmed that he has in no instance
of any consequence trespassed upon the
powers of the other departments. If he
is blameable on this score, it is for having
so studiously avoided an interference
with the powers of the other branches of
the government, as to have hesitated to
exercise some powers which he might
have assumed without the least usurpa-
tion.

The fact is that from the era of the
adoption of the constitution, if not from
an earlier date, it has been a matter of
constant dispute, whether it is the true in-
terest of the United States to establish a

navy. This momentous question remains
to this day undecided. For it is absurd to
consider or call the few vessels we have
at present on the ocean by this name.

On this point various opinions have
been and still are entertained. A large
class of our citizens are altogether op-
posed to the creation of any naval force under
any modification whatever. Another
class are the friends of an efficient navy,
but consider all steps at present taken to-
wards its creation premature. A third class
are willing so far to create a naval force as
shall be necessary to protect our ports
and harbors; while a fourth class, look-
ing eventually to a respectable establish-
ment, believe it wise and prudent gradu-
ally to increase our present force.

It is extremely problematical whether
the first class of citizens do not constitute
a majority of the people of the United
States. With the awful example of Brit-
ain before them, it is not surprising that
they feel a lively aversion to taking any
steps towards those great establishments
which have led her to the brink of ruin.
They believe that a navy under any mo-
dification is a plastic instrument in the
hands of the Executive, enabling him at
any moment to involve his country in war,
the effects of which on the general prosper-
ity and liberty, they have reason to dread.
They consider it the sound policy of
the United States to diminish rather than
increase our points of collision with foreign
powers. They view it as a source of vast
and augmenting expense, and of an appe-
tite so voracious as to swallow up the whole
resources of the country. They believe
conscientiously, that so far from adminis-
tering to the solid strength and real glo-
ry of a nation, it is a gigantic mill stone
on its growth. For the truth of this
conviction they appeal to the history of
their own nation, and call upon any man
to shew any other that, with the aid of a
naval establishment, has risen so rapidly
in wealth and strength.

The hostility of this class of citizens
to a navy under any modification, derives
strength, so far as relates to the present
application or means for its establishment,
from the suffrages of the second class of
citizens, who consider all such measures
as at this time premature. Of the third
class, a large proportion think we have
gone far enough, and that instead of in-
creasing our frigates or building ships of
the line, it is most politic to erect land bat-
teries and build a large number of gun
boats. The other portion of this class
are, it is true, in favor of augmenting the
number of our ships but not at present to any
considerable extent. It is only those who
compose the fourth class that think it wise
regularly though gradually, to augment
our present naval force. What propor-
tion, in point of numbers, this class bears
to the others, it is not easy to determine.
There are however, several circumstances
that favor the belief that so far from be-
ing a majority, it comprises comparatively
but a small part of the whole commu-
nity. This may be inferred from the acts
of the legislature, who, instead of devis-
ing any plan for the regular formation &
increase of a navy, have only created the ex-
isting force as a temporary expedient a-
gainst pressing dangers & from the constant
disposition manifested by them to reduce
rather than to augment the establishment.
It has only been during a period of war-
fare or serious collision with foreign pow-
ers, that the establishment has risen; &
accordingly as soon as these causes have
ceased, the establishment; and appropri-
ation of monies have been reduced. Let
it too be remembered that this is not the
peculiar policy of the republicans. It
has likewise been that of the federalists,
whose example the republicans have pur-
sued. It was under the administration of
President Adams, in the year 1801, that
the peace establishment was formed, by
which it was provided, that the President
might sell all the public vessels excepting
thirteen specified frigates, that of these
only should be kept in constant service,
not having, however attached to them more
than two-thirds of their full complement
of officers and seamen.

The inferences deducible from this
statement, are,

1. That the creation of a powerful navy
is a question still *sub judice*, not decided
by the nation or their representatives.
2. That it is not a political question in
which all the federalists are of one opin-
ion, and all the republicans of another.—But
3. That it is a question in which honest
men of all parties entertain a diversity of
opinion.

If this statement be in any wise cor-
rect, the reproaches cast upon the Exe-
cutive on this topic are equally futile
and unfounded. If blame attaches any
where, it is not to the Government but to
the nation; and public opinion is the cul-
prit, which it becomes the chivalrous
spirit of federalism to place under the
ban of the empire.

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